

REMARKS

Status of the specification

The above amendment to the disclosure is made to include a "cross-reference to related applications" section in the present application.

Status of the claims

Claims 1, 9, 11-15, 17-24, 26-39 and 41- 44 remain in the case.

Claims 9, 14, 15, 22, 24, 32-33, 36, 39 and 44 have been amended in view of the Office Action and to better define what the Applicants consider their invention, as fully supported by an enabling disclosure. Additional support for the amendments to the claims can be found in original claims.

Reconsideration in view of the following remarks and entry of the foregoing amendments are respectfully requested.

By this Office Action, the Examiner has required restriction of the above-identified application to one of eight inventions under 35 U.S.C.121 and 372 as lacking a single general inventive concept under PCT rule 13.1 over Buske et al. "Deregulated expression of HOXB4 enhances the primitive growth activity of human hematopoietic cells" in Blood, 1 August 2002, Vol. 100, No: 3, pp. 862-868 ("Buske").

Responsive to the Requirement for Restriction, Applicant wishes to elect with traverse the invention of Group IV namely claims 31-39 and 44 drawn to a method for enhancing expansion of stem cells.

The Examiner is further of opinion that the claims are directed to more than one species of the generic invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.2 over Buske. Since the Applicant elected Group IV, the Examiner requires that the Applicant 1) elect one type of hematopoietic cells between mouse or human; 2) elect one type of treatment between using an effective amount of a

factor as defined in claim 1 or an effective amount of a composition as defined in claim 15; 3) one type of treatment between *in vitro*, *in vivo* and *ex vivo*.

Responsive to the Requirement for Species Election, Applicant wishes to elect with traverse the following species 1) human hematopoietic cells; 2) an effective amount of a factor as defined in claim 1; and 3) *in vitro* treatment.

The traverse is on the ground that the application complies with the requirement of unity of invention for the following reason. Groups I-VII, and all listed species are linked by at least one single general inventive concept that is not anticipated or made obvious over Buske. Buske does not disclose or suggest that PBX1 inhibits HOXB4-induced expansion.

The Applicant further notes that in addition to the PCT rules 13.1 and 13.2, the Examiner cited the "independent or distinct inventions" US restriction criteria in his Office Action (see page 4 of the Office Action and page 8). It is Applicant's understanding that the US restriction rules are not applicable in the present case and has responded to the PCT rules 13.1 and 13.2 on Unity of invention accordingly.

In accordance with this election with traverse, applicants reserve all rights in the non-elected claims, including the right to file one or more divisional applications covering the subject matter thereof.